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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO GONZALEZ,

Defendant.

CASE NO. 2:20-CR-00013-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT
FINDINGS AND ORDER

DATE: June 14, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 14, 2021.
2. By this stipulation, defendant now moves to continue the status conference until August 16, 2021, and to exclude time between June 14, 2021, and August 16, 2021, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes photographs, several video and audio recordings, reports, prior arrest reports, and documentation of the defendant's prior criminal history. All of this discovery has been either produced directly to prior counsel, Douglas Beevers, and/or made available for inspection and copying.

1 b) Counsel for defendant, Ms. Padgett, recently substituted in as attorney of record.
2 Ms. Padgett has not yet received the discovery from prior counsel. Accordingly, counsel desires
3 additional time to obtain this discovery, review it, review it with her client, research the
4 defendant's criminal history, research case law, consider motions, and otherwise prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of June 14, 2021 to August 16, 2021,
14 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
15 because it results from a continuance granted by the Court at defendant's request on the basis of
16 the Court's finding that the ends of justice served by taking such action outweigh the best interest
17 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: June 9, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ MICHAEL W. REDDING
MICHAEL W. REDDING
Assistant United States Attorney


Dated: June 9, 2021

/s/ MARIA PADGETT
MARIA PADGETT
Counsel for Defendant
MARIO GONZALEZ

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED. Moreover, the court also finds excludable time from June 14, 2021 to August 16, 2021 because the ongoing COVID-19 pandemic has led to the suspension of jury trials in this district since March 17, 2020, and the General Orders of this court issued in connection with the pandemic allow for continuances and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), with no further findings required. General Orders 611, 612, 617, and 618. Additionally, the April 16, 2020 Order of the Judicial Council of the Ninth Circuit suspended the time limits of 18 U.S.C. § 3161(c) due to a judicial emergency in this district until May 2, 2021. See In re Approval of the Judicial Emergency Decl. in the E. Dist. of Cal., 956 F.3d 1175 (9th Cir. Judicial Council 2020).

Dated: June 11, 2021


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE